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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/975,287	10/10/2001	Jonathan O. Nelson	109909-129558	1098	
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SCHWABE, WILLIAMSON & WYATT, P.C.			RAMOS FELIC	RAMOS FELICIANO, ELISEO	
	CENTER, SUITE 1900 FTH AVENUE		ART UNIT	PAPER NUMBER	
PORTLAND, OR 97204		2617			

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

1)⊠ Responsive to communication(s) filed on 05 June 2006 (RCE). 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 1-5.9.11-15.18-22.27-31.35-40.47-52 and 56-66 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)□ Claim(s) is/are allowed. 6)☑ Claim(s) 1-5.9.11-15.18-22.27-31.35-40.47-52 and 56-66 is/are rejected. 7)□ Claim(s) is/are objected to. 8)□ Claim(s) are subject to restriction and/or election requirement. Application Papers 9)□ The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)□ None of: 1.□ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.			Application No.	Applicant(s)					
Eliseo Ramos-Feliciano 2617	·		09/975,287	NELSON ET AL.					
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exercision of time may be available under the provisions of 2 FCR 11360, in no event, however, may a reply be timely filled. If NO period for reply is positive down, the maximum statutory period will apply and will expire SIX (9) MONTH'S from the mailing date of this communication. Feature to reply the positive down, the maximum statutory period will apply and will expire SIX (9) MONTH'S from the mailing date of this communication. Feature to reply which the set or extended period for reply is positive. The surplement ABMOPOWED (SIX IS. 2, 133). Any poly moderate of the SIX of the Test SIX of the Test SIX of the Test SIX of the SIX of the Test SIX of the SIX of			Examiner	Art Unit					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Edecisions of time may be available under the provision of 37 CFR 1.1360, in no event, howers, may a reply be limby filed after SIX 69 MONTIS from the mailing date of this communication. Failure for grow with the set or extended period for reply will, by stables, cause the application become ARAMONDO 13 U.S.C. § 133. Any reply received by the Differe later than three months after the mailing date of this communication, even if timely filed, may reduce any seamed patent than adjustment. See 37 CFR 1.704(b). Status 1) Sepansive to communication(s) filed on 95 June 2006 (RCE). 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.5.9.11-15.18-22.27.31.35-40.47-52 and 56-66 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1.5.9.11-15.18-22.27.31.35-40.47-52 and 56-66 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 3-9.9.11-15.18-22.27.31.35-40.47-52 and 56-66 is/are rejected. 7) Claim(s) 3-9.9.11-15.18-22.27.31.35-40.47-52 and 56-66 is/are rejected. 9) The specification is objected to by the Examiner. 4pplication Papers 9) The specification is objected to the status of the data abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) be led in abeyance. See 37 CFR 1.85(a). 1) Certified copi									
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/05/2006 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52 and 56-66 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to <u>all claims</u>, the newly added limitations to amended claims is subject matter which was not described in the original specification; therefore, new matter.

For example:

Independent claim 1 now require "entry of alphanumeric and user programmable phrases". Not the cumulative form of the outlined limitations (i.e. "and"), nor user programmable as claimed is subject matter which was described in the original specification; therefore, new

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matter. Neither Applicant has pointed out where in the original specification support for the subject addition can be found.

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Independent claims 21, 31, 47, 51, 56, 60, 62, 63, and 64 contain similar limitations to those explained above; therefore, new matter.

Claims 2-5, 9, 11-15, 18-20, 22, 27-30, 35-40, 48-50, 52 and 57-59, 61, and 65-66 depend from Independent claims above; therefore, they contain same issues as explained above: new matter.

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro, can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ELISEO RAMOS-FELICIANO PRIMARY EXAMINER

ERF/erf August 19, 2006